

REMARKS

Claims 1-65, 67-70, 72-79, and 82-88 are pending in the application. Claims 1-63, 67, 68, 72-79, 82-85, and 88 have been withdrawn from consideration. Claims 64, 65, 69, 70, 86, and 87 have been rejected. No Claims have been amended or canceled. Favorable reconsideration of the application in view of the following remarks is respectfully requested

Claims 64, 65, 69, 70, 86, and 87 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Eddy et al. in view of Donnelley et al. The Examiner states that Eddy et al. teach a fuser member having a base, and a fusing surface layer comprising a fluoroelastomer and filler particles with a modulus greater than the modulus of the fluoroelastomer. The filler is made of aluminum with a mean particle diameter of about 1 to 100 microns. It is the conclusion of the Examiner that "It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Eddy et al. with plastic filler particles such as polytetrafluoroethylene, in light of the teachings of Donnelley et al., in order to reduce offset and mechanical breakdown as suggested by Donnelley et al." Applicants respectfully traverse this rejection for the reasons set forth in the previous responses, in addition to the further arguments set forth below.

Pending claim 64 is directed towards a fuser member for a toner fusing system or process comprising a fusing surface layer comprising (i) a fluoroelastomer and (ii) polytetrafluoroethylene filler particles with a mean particle diameter of at least about 50 microns. As shown in Table 2 of the instant application, it is shown in Examples 5 and 6 that superior gloss and contamination numbers result for use of such relatively large particulate polytetrafluoroethylene filler particles dispersed in a fluoroelastomer layer when compared to use of relatively smaller inorganic particulate filler employed in Examples 1 and 2. This unexpected result is clearly not shown, taught or mentioned in Eddy. Eddy, in fact, does not in any way teach or suggest the use of such particulate polytetrafluoroethylene particles dispersed in a fluoroelastomer surface layer, but rather only suggests polytetrafluoroethylene and fluoroelastomers as alternative

fluoroplastics for use in the outer fusing layer of the fuser member thereof (see, e.g., col. 5, lines 15-60). Thus, Eddy et al clearly would not suggest use of polytetrafluoroethylene particles of the claimed size for use in a fluoroelastomer layer to provide the enabling the gloss advantage taught by applicants.

Donnelly et al does not overcome such basic deficiency of Eddy et al, as rather than teach the use of such relatively large mean particle diameter polytetrafluoroethylene particles for any reason (and further, so as to enable a gloss advantage when using a fuser element comprising a fluoroelastomer surface layer as taught in the present invention), Donnelly et al only suggests the use of Teflon for reinforcing silicone elastomer fusing blankets, where the Teflon and silicone elastomer are mixed under high shear so as to result in threads or fibers of Teflon being formed to provide a fiber structure within the silicone elastomer., rather than relatively large mean particle diameter particles. It is taught at col. 5, lines 55-70, e.g., that the critical reinforcing effect is only obtained where the Teflon and silicone elastomer are thoroughly intermixed by milling, and that the desired reinforcing properties are not obtained by simply mixing the fluorocarbon resin with a silicone gum without milling. The present invention, on the other hand, clearly teaches in paragraph [0135] that in order to retain the desired particle size of polytetrafluoroethylene particles as employed in the invention, they are not dry compounded with the fluoroelastomer. Thus, even if one were to disregard the fact that Donnelly is directed specifically towards silicone elastomer layers, there is in any event no support for the Examiner's statement that Donnelly et al teaches that it is well known to add plastic filler such as polytetrafluoroethylene with specified sizes to an elastomer layer. Thus, the claimed invention (directed towards the use of relatively large polytetrafluoroethylene particles in a fluoroelastomer layer to provide gloss advantages) is clearly not taught or suggested by Donnelly et al (directed towards Teflon fibers or strands in a silicone elastomer layer to reinforce the silicone elastomer).

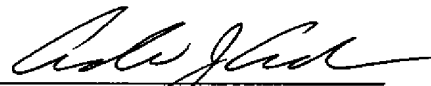
As each of Eddy, Donnelly and the present invention employ different combinations of materials and elements to provide different effects, and as the proposed modifications of the Eddy et al and Donnelly et al references as proposed by the Examiner would in fact defeat the basic purpose of the individual references (i.e., Eddy et al is specifically directed towards use of alumina filler

particles, while Donnelly et al is specifically directed towards silicone elastomer layer), it is clear that the proposed combination of the applied references clearly does not establish a prima facie case of obviousness, and that rather the proposed combination is proposed only with the improper application of hindsight based on applicants' own teachings. Reconsideration and withdrawal of this rejection is accordingly respectfully requested.

In view of the foregoing remarks, the claims 64, 65, 69, 70, 86, and 87 are now deemed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.